

WP(C) 2289/2012

BEFORE

THE HON'BLE MRS. JUSTICE ANIMA HAZARIKA

Heard Mr D. Barua, learned counsel appearing for the petitioner. Also heard Ms VL Singh, learned Standing Counsel, Revenue Department.

The instant writ petition has been filed invoking the power under Article 226 of the Constitution of India praying for a direction to the respondents not to evict the petitioner without following due process of law.

The petitioner's case is that the petitioner society by name Bhuragaon Milijuli Unnayan Samity (Samity for short) is registered under the Societies Registration Act. The Samity is involved in developmental work of Agriculture and Horticulture in the Bhuragaon village since 1995. The members of the society are ethnic people of the State of Assam belonging to Bodo and Karbi communities which are Scheduled Tribe communities within the State of Assam. The members of the Samity have occupied after clearing a portion of jungle measuring about 150 Bighas in the year 1993 for cultivation of crops and Horticulture and since then they are continuing their cultivation till date without any interruption. The land occupied by the petitioner society was earlier Government high land which was developed by the petitioner Samity for cultivation and they are paying Touji Bahir a revenue against the Dag Nos. 32 and 34. The petitioner Samity is paying the Touji revenue since 1997 and to that effect a certificate issued by the Mouzadar of Dimoria Mouza to the Samity on 20.09.2011 has been annexed as annexure B to the writ petition.

Further case of the petitioner is that the petitioner Samity has repeatedly approached the respondent authorities for settlement of the said land in favour of the Samity but the same have evoked no response till date. All the members of the Samity are landless people of the locality and because of their economical backwardness they are cultivating Bamboo groves, Banana trees, Beetle nut trees, Zhu m etc. over the said plot of land for about 20 years. A certificate dated 25.4.2012 issued to this effect by the Gaon Bura has also been annexed as annexure D to the writ petition.

Mr Barua, learned counsel appearing for the petitioner Samity has brought to the notice of the Court the clauses incorporated in the Government of Assam Land Policy, 1989. wherein under the head - ALLOTMENT/SETTLEMENT OF LAND FOR ORDINARY CULTIVATION IN RURAL AREA, Clause 1.5 and sub-clause c thereof reads as follows :-

1.5 As far as practicable preference should be given in the matter of allotment/settlement of land for ordinary cultivation as follows:-

(c) Local landless cultivators. Preference will be given to cultivators belonging to S.T., S.C. and M.O.B.C. Communities.

In view of the above, the limited prayer made by learned counsel for the petitioner, on behalf of the members of the Samity is that a direction may be issued to the respondent authorities not to evict the members from the land they are holding since more than 19 years and to consider the settlement of the land under occupation of the Samity as per provision of State Land Policy, 1989.

To the limited prayer so made, Ms Singh has also raised no objection.

In view of the above, the writ petition is disposed of with a direction to the respondent authorities not to evict the petitioners without following due procedure of law and to consider the case of the members of the petitioner Samity for settlement of the land under their occupation, as per State Land Policy, 1989, as they are reported to be Bodo/Karbi Community.

With the above direction, the writ petition stands disposed of. No costs.